

REMARKS

In the outstanding Official Action, claims 5 and 17 were objected-to for informalities. Claims 3-5 and 14-16 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1-5, 8, 13-17 and 20 were rejected under 35 U.S.C. §102(e) over WALKER et al. (U.S. Patent No. 5,794,207, hereinafter described as WALKER I and incorrectly referenced in the text of the Official Action as U.S. Patent No. 5,794,204). Claims 6 and 18 were rejected under 35 U.S.C. §103(a) over WALKER I in view of WALKER et al. (U.S. Patent No. 6,108,639, hereinafter described as WALKER II). Claims 7, 9-11, 19 and 21-23 were rejected under 35 U.S.C. §103(a) over WALKER I. Claims 12 and 24 were rejected under 35 U.S.C. §103(a) over WALKER I in view of ROBINSON et al. (U.S. Patent No. 5,915,022).

Initially, Applicant would like to thank the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, as well as receipt of each of the document upon which Applicant's claim for foreign priority is based. However, Applicant notes that the outstanding Official Action does not indicate acceptance of the drawings filed with the present application on March 19, 2001. Accordingly, with the next Official Action, Applicant respectfully requests an indication of the acceptance of the drawings filed with the present application on March 19, 2001.

Upon entry of the present amendment, claims 1-24 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 25-48 will have been added for consideration by the Examiner. Applicant has revised the attached claims to ensure that the features of the claims are not interpreted as "means

plus function" or "steps of" limitations. Applicant has also eliminated language to clarify the features recited therein. In view of the herein-contained new claims and remarks, Applicant submits that each of the objections and rejections under 35 U.S.C. §112, second paragraph has been overcome and rendered moot. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 5 and 17 and the rejection of claims 3-5 and 14-16 under 35 U.S.C. §112, second paragraph.

The herein-contained cancellation of claims and addition of new claims should not be considered an indication of Applicant's acquiescence as to the propriety of the outstanding rejection and objections. Rather, Applicant has cancelled claims and added new claims merely in order to expedite prosecution of the present application obtain early allowance of the claims.

Claim 25 corresponds to original claim 1, and recites features similar to the combination recited in original claim 1. Claim 37 corresponds to original claim 13, and recites features similar to the combination recited in original claim 13. Claims 26-36 and 38-48 correspond to original claims 2-12 and 14-24. Applicant particularly emphasizes that claims 25-48 have been revised to clarify the features recited therein, to remove redundancies, and to ensure that the features of the claims are not interpreted as means-plus-function or steps-of limitations. Accordingly, claims 25-48 are not an exact replica of original claims 1-24, and the scope of claims 25-48 may vary from the scope of original claims 1-24.

Notwithstanding the cancellation of claims 1-24, Applicant submits that claims 25-48 are allowable over the references applied in the Official Action. In this regard, the

combination of features recited in independent claims 25 and 37 are not disclosed or suggested by WALKER I. For example, WALKER I is not in any way directed to the claimed features relating to a "manufacturing capacity". Moreover, WALKER I does not use any term such as "manufacturing capacity". Rather, WALKER I is generically directed to online trading and uses examples of what can be traded. However, none of the examples in WALKER could properly be considered as a "manufacturing capacity" or any related feature.

Accordingly, Applicant submits that the rejection of original claims 1 and 13 is improper, at least because the reference applied in rejecting these claims under 35 U.S.C. §102 does not disclose or suggest "each and every" feature of these claims, as would be required for the rejection of claims 1 and 13 under 35 U.S.C. §102 to be proper. In this regard, if the rejection of claims over WALKER I is maintained, Applicant respectfully requests that the Examiner indicate with specificity which features in WALKER I (or any other reference applied in rejecting the claims) is believed to disclose, suggest or render obvious the above-noted features recited in Applicant's claims.

At least for each and all of the reasons set forth above, Applicant respectfully submits that claims 25 and 37 are allowable. Applicant further submits that no other document applied in the outstanding Official Action (i.e., WALKER II and ROBINSON) disclose, suggest or render obvious the above-noted features recited in claims 25 and 37; nor does the outstanding Official Action apply these documents as disclosing such features. Accordingly, Applicant respectfully submits that claims 25 and 37 are

allowable over any proper combination of the documents applied in the outstanding Official Action, at least because claims 25 and 37 recite a combination of features which are not disclosed, suggested or rendered obvious by any of the references applied in the outstanding Official Action, whether considered alone or in any proper combination. Applicant further submit that claims 26-36 and 38-48 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

SUMMARY AND CONCLUSION

Accordingly, Applicant respectfully requests an indication of the allowability of each of the claims now pending, at least in view of the herein-contained amendments and remarks.

Any new claims which have been added in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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February 27, 2006
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